

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on January 13, 2015, in the Franklin County Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

James Colby – Gills Creek District
C. W. Doss, Jr. – Blue Ridge District
Edmund “Doc” Law – Rocky Mount District
Angie McGhee – Boone District
Sherrie Mitchell – Snow Creek District
Earl Webb – Blackwater District

THOSE ABSENT:

Wendy Ralph – Union Hall District

OTHERS PRESENT:

B. James Jefferson, County Attorney
Neil Holthouser, Director of Planning & Community Development
Susannah Smith, Senior Planner, Current Planning Manager
Lori Crouch, Clerk

The meeting was called to order by Chairman Earl Webb at 6:00 PM in the Board of Supervisors Meeting Room. The first order of business was the approval of the minutes from the December 9, 2014 meeting. Mr. C.W. Doss, representative of the Blue Ridge District made a motion to approve the minutes as written. The motion was seconded by Mr. Edmond Law, representative of the Rocky Mount District. Chairman Webb noted we have a motion and second for approval all in favor say aye. The minutes stand approved.

(RESOLUTION 01-15-1):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission to approve the December 9, 2014 minutes as written and presented.

MOTION: Doss

SECONDED: Law

Voting on the motion was as follows:

AYES: McGhee, Doss, Webb, Mitchell, Law, Colby

NAYES:

ABSENT: Ralph

ABSTAIN:

PETITION FOR REZONE – Petition of **Optima Properties - Smith Mountain Lake, LLC; Ferry Land Holdings, LLC; North State Investments, LLC; Crumpler Investment, LP; Annette H. Iverson; John and Elizabeth Merritt; Daniel and Kristin Muehlfelder; Louis and Catherine Richardson; Jeffrey A. Denis; A. Dale and Trula Byington; John and Felicia Merritt and Doris and Robert Ruffner, Petitioners/Owners** requesting a rezone from RPD, Residential Planned Unit Development, with proffers, to RPD, Residential Planned Unit Development, with amended proffers, for a +/- 38.916-acre area within The Coves subdivision, located along Coves Road and Cliffs Drive, off of SR 1440, in the Union Hall District of Franklin County, including Lots 1 through 4, inclusive; Lots 6 through 32, inclusive; Tract A-1; Tract B; and Tract C; further identified as the following Franklin County Tax Map/Parcel numbers: 0521000100, 0521000200, 0521000300, 0521000400, 0521000600, 0521000700, 0521000800, 0521000900, 0521001000, 0521001100, 0521001200, 0521001300, 0521001400, 0521001500, 0521001600, 0521001700, 0521001800, 0521001900, 0521002000, 0521002100, 0521002200, 0521002300, 0521002400, 0521002500, 0521002600, 0521002700, 0521002800, 0521002900, 0521003000, 0521003100, 052003200, 0520000201, 0520000202, and 0520000203. (Case # REZO-10-14-13452) Chairman Earl Webb presented to the planning commission The Coves of Smith Mountain Lake Home owners Association have requested a continuance until March 10, 2015. Mr. Webb opened the floor to the public for comments.

Mr. Dale Quinn, of Union Hall, spoke in opposition to the petition. He purchased land in this particular area 14 years ago, rather than in Bedford County or any of the surrounding areas because he did not want to

have to deal with transients that came and went in those areas. With their noise pollution, trash and general unfriendliness. He had several reasons for the denial of the petition. Firstly, there was an understanding of the rules, when you purchased land in this area, there would be no short term rentals allowed. Secondly, Mr. Quinn believes that to have short term rentals on your property devalues the subject's property and the property of others in the neighborhood and surrounding areas. Thirdly, Mr. Quinn questioned the planning commission, what would stop others in the area from wanting to do the same thing and with what rationality could the planning commission deny others to do the same. Mr. Quinn respectfully, therefore, asked the planning commission to preserve the area around The Coves by denying the recommendation of the petition for short term tourist rental of dwelling to the Board of Supervisors. Mr. Quinn thanked the planning commission.

There were no other public comments. Mr. Webb asked for a motion of by the planning commission on the request of a continuance for a public hearing for The Coves of Smith Mountain Lake.

(RESOLUTION 01-15-2):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission to approve the continuance of The Coves of Smith Mountain Lake until March 10, 2015:

MOTION: Colby

SECONDED: McGhee

Voting on the motion was as follows:

AYES: McGhee, Doss, Law, Colby, Mitchell, Webb

NAYES:

ABSENT: Ralph

ABSTAIN:

PETITION FOR REZONE – Petition of **Jesse Carlton Saunders, Jr. and Becky S. Saunders/Petitioners /Owners** requesting a rezone for a +/- 4.238 total acres from B-2, Business District General (+/- 1.516 acres) and B-2, Business District General with proffers (+/- 2.722 acres) to A-1, Agricultural District. The subject property is located at 2266 Bluewater Drive (SR 942) in the Gills Creek District of Franklin County; and is further identified as Tax Map/Parcels # 0320002101 and 0320004100. (Case # REZO-11-14-13617)

Ms. Susannah Smith presented to the planning commission the petition by the property owners Jesse Saunders, Jr. & Becky Saunders. There are 2 parcels, both have different zoning; one is B-2 and the other (parcel to the South) is B-2 with proffers. Total acreage is 4.238. Near intersection of Bluewater Drive and Scruggs Road. Scruggs area is considered a Rural Neighborhood Center. Surrounding area is zoned B-2, but to the North and South it is zoned A-1, RC-1 and R-1. The current zoning has several proffers on one parcel that were approved by the Board of Supervisors. The proffers have to do with the previous owners concept plans of a Landscape company. The applicant is asking to take the zoning back to A-1 Zoning and has not offered any proffers. There is a house on a parcel, the other is vacant. The staff is recommending that the planning commission recommend to the Board of Supervisor that the petition be denied for request of A-1 zoning, as proposed. The staff would, however, recommend to the planning commission to recommend to the Board of Supervisors an approval of the request for A-1 zoning if the applicant would be willing to volunteer proffers regarding limitation of use and any future commercial rezoning requests should require a Commercial district zoning due to the proximity to Rural Neighborhood Center.

There were no questions from the planning commission.

Mr. Jim Jefferson, County Attorney, asked if the recommendation was to deny or a recommendation for an approval with proffers. Mr. Neil Holthouser stated that recommendation is both a recommendation to deny the A-1, but a recommendation for approval as an A-1 with proffers. Mr. Holthouser also commented that If the applicant did not come forward with proffer the staff would recommend proffers. Mr. Jefferson

stated that the job of the planning commission body is that of recommending the proffers as one of the functions of the planning commission body. At which time the applicant can decide whether they want to volunteer to agree to the proffers suggested. Mr. Holthouser than stated that the slide with the recommended proffers would be those that would be recommended to the applicant. Mr. Webb opened the floor to Mr. Jesse Saunders to speak in regards to his petition.

Mr. Jesse Saunders, Jr. thanked the planning commission for the opportunity to speak with them. He stated that he has lived in Franklin County for many years. He has run a couple of businesses in the county. He ran a family store adjacent to this property. The residence on this property was built by Mr. Saunders Aunt. It had previously been part of his Father's property. When the county implemented zoning, it was zoned as B-2. No one argued the zoning, the family was satisfied. Mr. Saunders purchased the house at the estate auction to live there and run the family store. Later Mr. Saunders had an offer on the store and the house, the offer was substantial and Mr. Saunders agreed to sell the property and the house. Mr. Saunders moved away and came back. He had purchased a piece of property across the street for a small sporting goods center. The bank contacted Mr. Saunders regarding the property at 2266 Bluewater Dr., asking if he would be interested in purchasing the property. During the time Mr. Saunders did not own the property part of it was sold. The property that is zoned B-2 with proffers was part of the original home property. Westlake Sign and design owned the property where the residence now sits. That company went under. Mr. Saunders decided to move his sporting goods store to the residence from across the street. The business did well, but the house is just not designed for a business. It is designed as a residence. Mr. Saunders also owns another piece of property that is adjacent to this parcel that is zoned A-1, where he currently has some livestock. Mr. Saunders stated that the parcel that have proffers attached to it; he expressed that he has no intentions of doing anything to the property other than the possibility of putting up a fence. Mr. Saunders would like to put some type of screening up for privacy. Mr. Saunders stated that since they have repurchased the house, he and his wife have decided to live there. Mr. Saunders stated that he is willing to volunteer to proffers that were suggested by Ms. Susannah Smith in her staff report as the following: limitation of use and any future commercial rezoning requests would require a Commercial district zoning due to the designation of the Rural Neighborhood Center. Mr. Saunders stated that if there were any other proffers that the planning commission would like to suggest, he would be happy to hear and discuss them with the planning commission. Mr. Saunders stated again that he has no intentions of doing anything to the property other the fencing or screening. Mr. Webb asked the planning commission members if there were any questions. There were no questions or others to speak on behalf of this petition at that time. Mr. Webb thanked Mr. Saunders and closed the public session and stated that the planning commission would now go into conference.

Mr. Jim Colby, representative of Gills Creek District, commented that he sees this property virtually every day going to and from his home. Mr. Colby stated that he is acquainted with Mr. Saunders and that he maintains his properties in very fine condition. Mr. Colby commented not only does he see this property everyday but every resident in the neighboring subdivisions see this property every day in leaving and returning home. Mr. Colby feels that the suggested proffers are appropriate for that area. Mr. Webb commented that he believes he remembers some opposition to the previous land owners concept plan of the landscape business in the immediate area. Mr. Webb feels that those people would be happy to hear the parcels rezoned back to A-1. Mr. Webb asked for a motion of recommendation by the planning commission.

(RESOLUTION 01-15-3):

BE IT THEREFORE resolved as intended the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. A motion to recommend approval to the petitioner of rezoning, Jesse Carlton Saunders, Jr. and Becky S. Saunders, from B-2 and B-2 with proffers to A-1 with proffers as recommended.

1. Limitation of use. Use of the property shall be limited to single-family residential use, excluding manufactured homes; and/or agriculture/farming uses, excluding commercial feedlots.
2. Uses requiring rezoning. Any future request for commercial use of the property shall require rezoning to an appropriate commercial zoning category, consistent with the Comprehensive Plan's designation of this area as a rural neighborhood center.

MOTION: Colby

SECONDED: Mitchell

Voting on the motion was as follows:

AYES: McGhee, Doss, Law, Colby, Mitchell, Webb

NAYES:

ABSENT: Ralph

ABSTAIN:

With no other discussion the meeting was adjourned.

Lori A Crouch 02/15/15
Clerk Date